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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,728	11/01/2000	Evan Lawrence Bryman	05973.3037	1237
22852	7590	05/20/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 I STREET, NW WASHINGTON, DC 20005			NGUYEN, NGA B	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/702,728

Applicant(s)

BRYMAN, EVAN LAWRENCE

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. This Office Action is the answer to the communication filed on November 1, 2000, which paper has been placed of record in the file.
2. Claims 1-25 are pending in this application.

***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on October 10, 2002 is being considered by the examiner.

***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-9 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter, particularly, an abstract idea.

The claims, as presently claimed and best understood were reconsidered in light of the "Examination Guidelines for Computer-Related Inventions" and were found to be non-statutory. Discussion of the analysis of the claims under the guidelines follows.

Claims 1-9 merely manipulate an abstract idea that is not within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to

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social sciences, for example) and therefore are found to be non-statutory subject matter.

As to claims 1-9, the claimed invention is not implemented on a specific apparatus; therefore, the invention is not directed to the technological arts. To be statutory, the utility of an invention must be within the technological arts. The definition of "technology" is the "application of science and engineering to the development of machines and procedures in order to enhance or improve human conditions, or at least to improve human efficiency in some respect." (Computer Dictionary 384 (Microsoft Press, 2d ed. 1994)). When one looks to the present specification to determine what the applicant has invented, the invention appears to be a series of steps performed on a computer. It is clear that claims 1-9 are intended to be directed to the abstract method apart from the apparatus for performing the method. Therefore, claims 1-9 are non-statutory, because they are directed solely to an abstract idea without practical application in the technological arts.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 9, 10, 17, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Buchanan et al (hereinafter Buchanan), U.S. Patent No. 5,950,179.

Regarding to claim 1, Buchanan discloses a method for reducing fraud on a financial account, method comprising:

identifying an account for potential fraud based on payments made to the account (column 5, lines 15-20, identifying the account which the customer fails to make payment);

reviewing account transactions of the identified account to determined whether fraud has been made on the account (column 4, lines 49-58 and column 5, lines 47-67; the tracking system reviews the account transactions and account status); and

restricting the identified account when determining fraud has been made on the account (column 5, lines 15-20, closing the account when the customer fails to pay the minimum balance; or column 6, lines 65-67; rejecting any transaction that makes the credit card balance over the credit limit).

Claim 10 is written in computer software that are parallel the limitations found in claim 1 above, therefore, is rejected by the same rationale.

Claim 17 is written means that are parallel the limitations found in claim 1 above, therefore, is rejected by the same rationale.

Regarding to claims 9, 25, Buchanan discloses wherein reviewing is performed automatically (column 5, lines 48-60, tracking is performed automatically by the computer tracking system 40).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-7, 11-16, and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan et al (hereinafter Buchanan), U.S. Patent No. 5,950,179, in view or Gopinathan et al (hereinafter Gopinathan), U.S. Patent No. 5,819,226.

Regarding to claims 2-4, Buchanan discloses wherein identifying an account further comprises: locating an account having a bad payment (column 5, lines 5-15). Buchanan does not disclose determining whether the bad payment made an outstanding balance of the account over a predetermined limit; determining whether an outstanding payment would make the outstanding balance of the account over the predetermined limit if it the payment is bad; and flagging the account for review when the bad payment made the outstanding balance of the account over the predetermined limit or the outstanding payment would make the outstanding balance of the account over the predetermined limit if it is bad. However, Gopinathan discloses flagging the account for review when the account is fraud (column 27, lines 20-35). Moreover, determining whether the bad payment or the outstanding payment made an outstanding balance of the account over a predetermined limit is well known in the art of tracking a credit card account by a credit card company Therefore, it would have been obvious to modify Buchanan's to include the combining idea of flagging the account for review

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when the account is fraud as taught by Gopinathan with the obviousness described above, for the purpose of reducing fraud on a credit card account.

Regarding to claims 5-7, Buchanan does not disclose wherein reviewing comprises: comparing the number of good payments made on the account to a good payment threshold; determining an over limit credit amount that an outstanding balance of the account has exceeded a predetermined limit a specific time; determining a total over limit credit amount by totaling each over limit credit amount during a predetermined time period; comparing the total over limit credit amount with an over limit threshold; and restricting the account when the number of good payments is less than the good payment threshold and the total over limit credit amount is greater than the over limit threshold. However, Gopinathan discloses comparing transaction's fraud score to a threshold value, if the threshold has been exceeded, the transaction blocked by the authorization system (column 28, lines 3-15). Moreover, determining number of good, bad payments, an over limit credit amount during a predetermined time period is well known in the art of tracking a credit card account by a credit card company. Therefore, it would have been obvious to modify Buchanan's to include the combining idea of comparing a value against a threshold value as taught by Gopinathan with the obviousness described above, for the purpose of providing more accuracy in determining the credit worthiness of a credit card account holder.

Claims 11-16 are written in computer software that are parallel the limitations found in claims 2-7 above, therefore, are rejected by the same rationale.

Claims 18-23 are written means that are parallel the limitations found in claims 2-7 above, therefore, are rejected by the same rationale.

10. Claims 8 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buchanan et al (hereinafter Buchanan), U.S. Patent No. 5,950,179.

Regarding to claims 8, 24, Buchanan does not disclose wherein reviewing is performed manually. However, reviewing is performed manually is well known in the art of reviewing a credit card account by a credit card company. For example, an employee working for a credit card company can retrieve an account record in the computer system and performs the reviewing. Therefore, it would have been obvious to modify Buchanan's to include the feature above for the purpose of cost saving, because the credit card company does not need to install a specific software for automatically doing the reviewing, the reviewing is performed manually by an employee.

### ***Conclusion***

11. Claims 1-25 are rejected.

12. The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure:

Honarvar et al. (US 6,405,173) disclose a computer-implemented decision management system provides qualitative client assessment via point in tem simulation.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is



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(703) 306-2901. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-1113.

14. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231

Or faxed to:

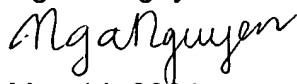
(703) 872-9326 (for formal communication intended for entry),

or

(703) 308-3691 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Nga B. Nguyen



May 14, 2004